WP(C) 1734/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Having regard to the relief prayed for and as agreed to by the learned counsel for the parties , both the petitions are being disposed of by this common order at the motion stage.

I have heard Mr RC Saikia, learned counsel for the petitioner in WP(C) No.1734/2007 , Mr JI Borbhuiyan, learned counsel for the petitioner in WP(C) No.2148/2007 and Dr B. Ahmed, learned Standing counsel, Assam Fisheries Development Corporation(hereinafter referred to as the 'Corporation') .

The tussle between the two petitioners is for acquiring the settlement of No.43/44 Pavakati/Sondova Min Mahal(hereinafter referred to as 'Fishery') . The pleaded facts are that the Fishery had been settled with the petitioner in WP(C) No.1734/2007 for the term 2002-2007 which has expired on 31.3.2007. He has submitted an application before the Corporation for remission of the revenue payable thereunder or in the alternative extension of the term for another five years to make up the losses suffered by him in between for various reasons. The application , according to the petitioner is pending consideration as on date.

The petitioner in WP(MC) No.2148/2007 has complained that the Corporation had settled the Fishery with the

petitioner in WP(C) No.1734/2007 in the earlier term in contravention of the letter and spirit of the Assam Fishery Rules,2002 (hereinafter referred to as the 'Rules') by overlooking it , a society comprised of 100 % actual fishermen and entitled to preference under the Rules for settlement thereof. Whereas the petitioner in WP(C) No.1734/2007 has prayed for a direction to the Corporation to dispose of his prayer for remission/extension, it is urged by the petitioner in WP(C) No.2148/2007 that as it has also submitted a representation for settlement of the Fishery in its favour under the Rules, it may be favoured with the settlement thereof. The learned counsel for the petitioners have emphatically maintained the pleaded stands.

Dr Ahmed , learned Standing counsel for the Corporation has submitted on the basis of the record that the representation of the petitioner in WP(C) No.1734/2007 for remission/extension has not yet been disposed of and is under active consideration. He has submitted that in terms of the guidelines of the Corporation it has the power in deserving causes to grant extension.

Upon hearing the learned counsel for the parties and considering the rival contentions , I construe it to be in the interest of justice to close both the petitions with a direction to the Corporation to consider and dispose of the representations filed by the petitioners in terms of the Rules/guidelines. As the decision thereon would have a bearing on the next course of action to be taken by it vis a vis the settlement of the fishery involved, it is provided that

the exercise as ordered should be completed within a period of two(2) weeks from the date of receipt of the certified copy of this order.

It is made clear that this Court has not issued any direction to the Corporation either to grant remission/extension to the petitioner in WP(C) No.1734/2007 or settlement of the fishery to the petitioner in WP(C) No.21498/2007 and it would be within its discretion to take an appropriate decision on the prayer made. No costs.